

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA,)	
)	
v.)	No. 4:17-CR-866-RBH
)	
BRANDON COUNCIL,)	
)	
Defendant.)	
)	

**SECOND JOINT MOTION TO UNSEAL
CERTAIN RECORD MATERIAL FOR APPEAL**

Defendant Brandon Council and the United States, by their undersigned appellate counsel, hereby move the Court to unseal entirely Docket Entries #115, #141, #282, #293, #508, #644, #883, and #897.

A proposed stipulated order detailing the unsealing is appended.

In further support of this motion, counsel state as follows:

1. Mr. Council was convicted of bank robbery and murder with a firearm at a jury trial, and, following the jury's recommendation, sentenced to death by this Court. His direct appeal is pending in the United States Court of Appeals for the Fourth Circuit (Docket Nos. 20-1 & 21-8). Mr. Council's opening brief is currently due to be filed on February 28, 2022.
2. There were a number of docket entries that the Court ordered

sealed from the public, and some, consisting of defense pleadings and transcripts of conferences with defense counsel, it also ordered sealed from the government, at the request of defense counsel. Last November, this Court granted a joint motion and entered a stipulated order unsealing most of those docket entries but keeping sealed the eight ex parte ones listed above. *See* Docket Entry #935. Based on subsequent developments in the intended briefing that make these docket entries central to the appeal, and in order to remove any hindrance to the government's litigation of it and the Fourth Circuit's consideration of it, the parties have now further agreed to completely unseal these remaining eight docket entries.

3. The parties understand and agree that the decision to unseal these docket entries for use in the appeal shall not prejudice any future claim by Mr. Council that these ex parte pleadings and transcripts or their contents may not be used against him by the government in future proceedings in this case.

Accordingly, for these reasons, the Court should grant this joint motion and enter the proposed stipulated order that is being separately filed.

Respectfully submitted,

/s/ Barry J. Fisher

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STIPULATED ORDER

Upon consideration of the Second Joint Motion to Unseal Certain Record Material for Appeal, filed by Defendant Brandon Council and the United States of America, and by stipulation of both parties, it is hereby ORDERED that:

The following docket entries, which the Court previously ordered be kept sealed to a limited extent, *see* Docket Entry (DE) #935, are UNSEALED in their entirety:

- DE #115, *ex parte* sealed document, 4/30/18
- DE #141, *ex parte* sealed document, 6/1/18
- DE #282, *ex parte* motion to continue, 10/3/18
- DE #508, *ex parte* sealed document, 7/16/19
- DE #883, transcript of 10/18/18 *ex parte* proceeding

- DE #293, transcript of 4/6/18 *ex parte* proceeding
- DE #644, transcript of 7/17/19 *ex parte* proceeding
- DE #897, transcript of 9/20/19 *ex parte* proceeding

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IT IS SO ORDERED.

February ____, 2021
Florence, South Carolina

Hon. R. Bryan Harwell
United States District Judge

CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically through the ECF system and notice sent to counsel of record for all parties

s/ Barry J. Fisher